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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: United Kingdom of Great Britain and Northern Ireland: Dependent Territories

Hong Kong

1. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland: Dependent Territories (Hong Kong) (CRC/C/11/Add.9) at its 329th to 331st meetings held on 2 and 3 October 1996 (see CCR/C/SR.329-331) and, at its 343rd meeting, held on 11 October 1996, adopted the following observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for the timely submission of both its report and written responses to the Committee's list of issues. The Committee welcomes the information provided by the delegation in its introductory statement and for the cooperative spirit which characterized the dialogue in the Committee.

3. The Committee notes the special situation facing Hong Kong as a territory over which there will be a change of sovereignty when it reverts to the People's Republic of China on 1 July 1997. The Committee also notes that matters relating to the continued application of the Convention to Hong Kong, including reporting arrangements, are the subject of discussion between the Government of the United Kingdom and the Government of China through the Joint Liaison Group.

B. Positive aspects

4. Note is taken of the enactment of the Parent and Child Ordinance in 1993 which removes legal disadvantages that previously applied to illegitimate children. The Committee also welcomes the adoption of the Disability Discrimination Ordinance aimed at promoting the integration of persons with a disability into the community.

5. The Committee welcomes the various measures being taken by the Government to address the danger of guardians leaving children unattended at home.

6. Information provided on the operation by the Social Welfare Department of a telephone hotline to receive, inter alia, reports on child abuse cases is noted with appreciation. The Committee also takes note of the measures taken to promote awareness of common adolescent health problems and the telephone hotline service of the Central Health Education Unit of the Department of Health, which has been set up to deal with calls relating to this issue. The recruitment of secondary school students as Health Ambassadors in training programmes on common adolescent health matters is also noted with great interest. Equally, the launching of the new Student Health Service, a programme designed to cater for the health needs of schoolchildren aged between 6 and 18, is warmly welcomed, as is the establishment of the Health Care and Promotion Fund, which is designed to step up efforts for health promotion and disease prevention.

7. The Committee notes with appreciation the initiatives taken to make hospitals more baby and child friendly, including the measures being taken to improve pediatric ward facilities in hospitals and also to provide play areas for children in pediatric wards and areas for parents to stay with their children in hospital. The Committee also welcomes the improvements to the Comprehensive Social Security Assistance Scheme, particularly with respect to benefits available in implementation of articles 26 and 27 of the Convention.

8. The Committee welcomes the information presented by the delegation concerning the five research projects on children's rights currently being undertaken by universities and funded by the Government.

9. The Committee encourages the establishment of an independent body to consider complaints against the police in Hong Kong.

C. Principal subjects of concern

10. With the extension of the Convention to Hong Kong in September 1994 further reservations to the Convention applicable to the territory of Hong Kong were deposited by the Government of the United Kingdom. It is a matter of regret to the Committee that the State party has not yet decided to withdraw its reservations, particularly as they relate to the issues of working hours for children, of juvenile justice and of refugees.

11. The Committee welcomes the adoption of the Bill of Human Rights Ordinance, it notes however, that this Bill is unentrenched. The Committee,

while acknowledging that the Bill contains provisions recognizing the two major human rights Covenants, the articles of which also apply to children, considers it regrettable that the Bill contains no specific reference to the Convention on the Rights of the Child. In the light of this, and given the positive steps taken by the Government to adopt the Equal Opportunities Act and establish the Equal Opportunities Commission, it is also a matter of regret to the Committee that a similar strategy as pursued for gender equality has not been adopted for the rights of the child. In view of the Government's commitment to review legislation and policy regularly in the light of the principles and provisions of the Convention, the Committee is concerned that sufficient priority does not appear to have been given in the reviewing process to the possibility of establishing an independent monitoring body on the rights of the child and of pursuing an integrated and holistic approach to the adoption of legislation on the rights of the child.

12. While noting the positive steps taken to establish various mechanisms for the execution of policy and programmes for the implementation of the provisions of the Convention, the Committee remains concerned about the adequacy of coordination activities between concerned governmental institutions to ensure that the rights of the child are given priority.

13. The Committee is concerned that insufficient measures have been taken to ensure the fullest implementation of the general principles of the Convention, in particular those contained in articles 3 and 12, especially in the choice, formulation and application of policy measures to promote and protect the rights of the child. In this regard it is noted that a system for integrating a child impact analysis into policy formulation and decision-making has not yet been put into place. It is also the view of the Committee that the persistence of certain attitudes relating to perception of the role children should play in the family, school and society may be delaying the full acceptance of the implementation of the provisions of article 12 and 13 of the Convention in Hong Kong.

14. As regards the situation of illegal immigrant children from China and the issues it raises with respect to the question of families split between Hong Kong and China, the Committee is concerned that the increase in permits arranged for these children and their families, from 105 to 150, is manifestly insufficient to meet the needs of the estimated 60,000 children currently in China who may have the right of abode in Hong Kong after 1 July 1997.

15. Despite the measures taken to address the problems of child abuse, neglect and the number of accidents affecting children, these issues continue to give cause for concern. Equally, adolescent mental health issues, including the problem of youth suicide, is a matter of serious concern to the Committee.

16. The Committee is concerned about the apparent insufficiency of measures to encourage breast-feeding. The Committee notes that powdered milk for babies continues to be freely distributed in hospitals, contrary to international guidelines on this matter. Equally, the extent to which the

statutory provisions relating to, inter alia, maternity leave and conditions of employment for nursing mothers are compatible with the principles and provisions of the Convention remains a matter of concern to the Committee.

17. The Committee is of the view that insufficient attention appears to have been given to the implementation of article 29 of the Convention, particularly in respect of according human rights education the necessary status within school curricula.

18. The broad question of the treatment of Vietnamese children in detention centres in Hong Kong deeply concerns the Committee. It is the observation of the Committee that these children have been and continue to be the victim of a policy designed to discourage further refugees from coming into the area. While it is granted that the situation is a complex one, the policy of the continued detention of these children is incompatible with the Convention.

19. In addition, the Committee is of the view that the low age of criminal responsibility is not in conformity with the principles and provisions of the Convention and regrets the decision not to raise the age of criminal responsibility.

D. Suggestions and recommendations

20. The implementation of the principles and provisions of the Convention requires that priority be given to children's issues, particularly in the light of the principle of the "best interests of the child" and of the fact that Governments have, in international forums, agreed to the principle of "First call for children", including in the final document adopted by the World Conference on Human Rights. It is recommended, therefore, that in the formulation of policy options and proposals there should be an accompanying assessment of its impact on children so that decision makers can be better advised when formulating policy as to its effect on the rights of the child. It is also suggested that steps be taken to reflect and duly take into account in national legislation the holistic and comprehensive approach to the implementation of the rights of the child recommended by the Committee. The Committee recommends the establishment of an independent mechanism specifically to monitor the implementation of government policy in relation to the rights of the child. It is noted that an independent mechanism could also play an important role in informing the public and legislature of the action being taken for the rights of the child. The Committee also recommends that children's rights be fully integrated into the discussions on issues concerning the transfer of sovereignty over Hong Kong and be accorded high priority in the dialogue on these and related matters in the Joint Liaison Group.

21. The Committee encourages efforts to involve civil society and non-governmental organizations more closely in the monitoring and implementation of the Convention, including with respect to the development of a comprehensive strategy for children in Hong Kong.

22. As part of the ongoing efforts to promote and protect the rights of the child, particularly in relation to the implementation of article 4 of the Convention, the Committee recommends that a further assessment be undertaken

of the effectiveness of the present system of institutional coordination of policies and programmes on the rights of the child, especially with regard to child abuse. Moreover, the Committee would like to suggest that the collection and analysis of statistical data by age group be guided by the provisions of article 1 of the Convention. The Committee further suggests that consideration be given to undertaking or encouraging research on the development and use of indicators to monitor the progress of the implementation of all the principles and provisions of the Convention.

23. In connection with the ongoing efforts to raise awareness of human rights and children's rights among the population of Hong Kong, the Committee suggests that consideration be given to taking further measures to inform the general public about the Convention on the Rights of the Child and to incorporate education about human rights and children's rights in training programmes for professionals. The Committee encourages the incorporation of questions on the awareness and understanding of the public of the Convention and its principles and provisions in future civic awareness surveys.

24. The Committee would like to suggest that further consideration be given to evaluating the effectiveness of measures to raise awareness for the prevention and combating of discrimination and promoting tolerance, particularly with respect to discrimination on the grounds of gender, ethnic origin, discrimination against disabled children and children born out of wedlock.

25. With respect to the implementation of article 12 of the Convention, the Committee encourages the undertaking of a study, from the perspective of children as bearers of rights, on the subject of children's participation in the family, school and society with a view to the formulation of recommendations on this matter.

26. The Committee recommends that further measures need to be taken to address the issue of illegal immigrant children from China, especially with respect to the difficulties arising from families split between Hong Kong and China. It is the Committee's view that, in the light of the best interests of the child, action should be taken on an urgent basis to reduce the waiting period for family reunification, to raise the quota of permits and to consider other measures to deal with the problems that will arise in the future.

27. The Committee wishes to acknowledge once again the important efforts taken to deal with the question of child abuse. Notwithstanding this, the Committee is of the view that the prevention of this violation of children's rights requires further attitudinal changes in society, not only as regards the non-acceptance of corporal punishment and physical and psychological abuse but also greater respect for the inherent dignity of the child.

28. Despite the recent increase in the number of social workers employed for child abuse cases, it is the view of the Committee that the case-load of each professional may still be too high and the question of taking additional action to address such matters deserves further study. The Committee encourages the efforts made to accord high priority to and pursue more intensely the establishment of day care centres in the community.

including as a measure to prevent children being left unattended at home. In addition, the Committee encourages the initiative taken to ensure within future reviews of the Family Life Education Programme an assessment of its effectiveness in preventing child abuse.

29. With respect to improving the situation of disabled children, the Committee encourages the efforts being undertaken to integrate disabled children into regular schools, including through investmnet in structural changes to schools and support to the training of teachers to assist them in adjusting and adapting their teaching methods to the needs of disabled children.

30. The Committee recommends that a review be undertaken of the effectiveness of measures in place to support the policy of promoting and encouraging breast-feeding. It is recommended that the question of the free distribution of powdered milk for babies in hospitals, as well as the compatibility of conditions of employment with the obligation laid down in the Convention to encourage breast-feeding, should form an integral part of such a review.

31. The Committee suggests that a review be undertaken of the possible links between school pressures and adolescent health problems in view of the concerns raised on these issues during its discussion of the report. The Committee also suggests that the reasons for suicide among youth and the effectiveness of programmes for the prevention of suicide among children deserve further study.

32. The Committee recommends the incorporation of human rights education, including education about the Convention on the Rights of the Child, as a core curriculum subject in all schools. The Committee notes that this would require that sufficient time be allocated to this subject in the school timetable. The Committee also wishes to suggest that an evaluation of human rights awareness raising and education be undertaken in the future to determine its effectiveness in equipping children with tools for life and in encouraging their decision-making and ability to think analytically from the perspective of human rights. The Committee also wishes to recommend that greater priority be accorded to the participation of children in school life, in the spirit of article 12 of the Convention, including in discussions about disciplinary measures and curricula development. Ways and means of ensuring the fuller implementation of article 31 of the Convention also appear to deserve further study.

33. With regard to the situation of Vietnamese children in detention, the Committee recommends that an evaluation of present and previous policy on this matter be undertaken, to ensure that any errors made are not repeated in the future. The Committee recommends that for the remaining children in detention a solution to their situation must be found in the light of the principles and provisions of the Convention. It is the view of the Committee, therefore, that measures must be taken immediately to ensure a marked improvement in their conditions of detention and that other measures to protect these children in the future must be put in place.

34. The Committee recommends that a review of legislation in relation to the issue of the age of criminal responsibility be undertaken with a view to raising this age in the light of the principles and provisions of the Convention.

35. The Committee recommends wide public distribution and dissemination of the State party report, the summary records of the discussion in the Committee and the present concluding observations.

36. The Committee recommends that the Government prepare a progress report on the measures taken to give effect to the suggestions and recommendations contained in the present concluding observations by the end of May 1997.